REMARKS

This Amendment is filed in response to the Office Action mailed on June 12, 2007. All objections and rejections are respectfully traversed.

Claims 1-69 are currently pending in the case.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3067.

Claim Rejections – 35 USC § 102

At page 2 of the Office Action, claims 1, 2, 11, 12, 21, 30-38, 42, 43, 45, 46, 49, 50-53, 56-62, and 64-69 were rejected under 35 U.S.C. §102 as being anticipated by Tims at al., US Patent No. 5,748,870, hereinafter Tims.

The present invention, as set forth in representative claim 1, comprises in part:

> 1. A system for synchronizing dependencies upon a set of persistent consistency point images (PCPIs) among a set of computers, the system comprising:
> *means for identifying a dependency upon the set of PCPIs;*
> *means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs;* and
> means for transmitting the set of soft locks to one or more of the set of computers

By way of background, Tims discloses a fault tolerant system with a primary server and a secondary server. The secondary server is a mirror image of the primary server. When a user accesses data, C1, on the primary server with a lock, the same data is locked on the secondary server.

Applicant respectfully urges that Tims does not disclose Applicant's claimed novel *means for identifying a dependency upon the set of PCPIs* and *means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs*. In further detail, in Applicant's claimed invention a PCPI is a persistent consistency point image, which gives a point in time representation of a computer or file system. Multiple PCPIs are easily stored on a computer, where each PCPI represents an image of the computer at a different time. In Applicant's invention, during each mirroring operation soft locks are applied to downstream PCPIs that already exist on upstream PCPIs.

In contrast, Tims does not disclose PCPIs. Tims merely discloses that the data on the primary server and the secondary server is same and updated to stay the same. When a user applies a lock to data, C1, on the primary server, the lock is applied to secondary server. However, there is no disclosure of applying soft locks to PCPIs because Tims does not disclose PCPIs or snapshots.

Accordingly, Applicant respectfully urges that Tims is legally insufficient to anticipate the present claims under 35 U.S.C. §102 because of the absence of the Applicant's claimed novel *means for identifying a dependency upon the set of PCPIs* and *means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs*.

Claim Rejections – 35 USC § 103

At page 3 of the Office Action, claims 3-8, 10, 13-18, 20, 22, 23, 24-28, 39, 41, 44, 47, 54, and 63 were rejected under 35 U.S.C. §103 as being unpatentable over Tims, in view of Kuftedjian at al., US Patent No. 6, 105,057, hereinafter Kuftedjian.

Applicant respectfully notes that claims 3-8, 10, 13-18, 20, 22, 23, 24-28, 39, 41, 44, 47, 54, and 63 are dependent claims that depend from independent claims believed to be in condition for allowance. Accordingly, claims 3-8, 10, 13-18, 20, 22, 23, 24-28, 39, 41, 44, 47, 54, and 63 are believed to be in condition for allowance.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims and are therefore also allowable.

Reconsideration is respectfully requested.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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